

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LIN C. MOU

Appeal No. 1997-2842
Application No. 08/510,921

ON BRIEF

Before HAIRSTON, KRASS, and GROSS, Administrative Patent Judges.
GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 3, and 4, which are all of the claims pending in this application.

Appellant's invention relates to an exterior rearview mirror for a vehicle. The mirror includes a plane mirror zone, a wide-angled mirror zone disposed within the plane mirror zone, and a circular blank zone between the two mirror zones for providing wider images without interference between

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the two mirror zones. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. An automobile exterior rearview mirror comprising:
a plane mirror zone;

an integral circular, convex or concave, wide-angle mirror zone disposed at a predetermined position within said plane mirror zone,

a circular blank zone surrounding said wide-angle zone and located between said plane mirror zone and said wide-angle mirror zone and integral therewith, said blank zone defining a surface separating said wide-angle and plane zones, so that said exterior rearview mirror provides a wider image without a blind spot or any interference between zones.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Young	3,338,655	Aug. 29,
1967		

Claims 1, 3, and 4 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as being unpatentable over Young.

Reference is made to the Examiner's Answer (Paper No. 18, mailed January 9, 1997) for the examiner's complete reasoning in support of the rejection, and to appellant's Brief (Paper No. 17, filed September 27, 1996) for appellant's arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art reference, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse both the anticipation rejection and also the obviousness rejection of claims 1, 3, and 4.

Claim 1 requires, in pertinent part, a circular blank zone. Appellant argues (Brief, page 3) that Young fails to disclose a circular blank zone. The examiner (Answer, page 3) points to element 34, which has a circular inner circumference and a substantially square outer circumference. As shown in appellant's drawings, appellant clearly intends for "circular blank zone" to mean a ring with circular inner and outer circumferences. Thus, as interpreted in light of the specification, the claimed circular blank zone is not met by Young's element 34.

The examiner asserts (Answer, page 4) that it "would have been obvious or within the level of one of ordinary skill in the mirror art . . . to modify the entire geometric shape of element (34) of Young to be circular, due to the fact that the

principle [sic, principal] operation of the mirror device would not change." Young states (column 1, lines 53-55) that the area around the wide-angle mirror zone is ground to be non-reflective. Varying the shape of non-reflective element 34 changes the sizes and shapes of both reflective and non-reflective portions. Since the device is a mirror, changing the size and shape of the reflective portion does change the principal operation of the mirror device. Thus, we do not find the examiner's argument to be persuasive.

Claim 1 further recites a wide-angle mirror zone within a plane mirror zone. Young clearly shows one zone adjacent to the other, not within it. The examiner never addresses this limitation. Accordingly, Young fails to include each and every limitation of the claims, and we cannot sustain either the anticipation rejection or the obviousness rejection of claim 1, nor its dependents, claims 3 and 4.

CONCLUSION

The decision of the examiner rejecting claims 1, 3, and 4 under 35 U.S.C. § 102 or alternatively under 35 U.S.C. § 103 is reversed.

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REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
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ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

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